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**BOARD OF COUNTY COMMISSIONERS**  
**YELLOWSTONE COUNTY, MONTANA**  
**TUESDAY, MAY 29, 2012**

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**SUBJECT:** Zone Change #634, Text Amendment – Clear Vision Area for Alleys and Driveways – 27-615 (c) and 27-618

**THROUGH:** Candi Beaudry, AICP, Planning Director

**PRESENTED BY:** Nicole Cromwell, AICP, Zoning Coordinator, Planner II

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**REQUEST**

This is a zone change that will amend two sections of the Unified Zoning Regulations for Billings and Yellowstone County regarding clear vision areas at alleys and driveways in residential and commercial zoning districts. The current requirement dictates a minimum 5-foot clear zone across lots and the clear zone is variable based on the street type – arterial, collector or local. For a local street, the 5-foot clear zone extends 70 feet along the property frontage. On a collector street, this zone extends 90 feet, and along an arterial street, it extends 110 feet. Many residential properties are not even 70 feet wide, so these 5-foot “tails” preclude any fencing or landscaping over 30 inches tall for the entire frontage at a 5-foot depth from the sidewalk. At alley intersections, the same standards apply and this typically affects corner lots in older residential neighborhoods. New fences have been problematic due to established landscaping and underground sprinklers in yards. The current regulations were adopted in 2009 along with a number of other amendments to the clear vision requirements to try and better address varying street and speed situations around the City. Overall, the requirements have worked well in the past three years. This one area has been particularly problematic for residential property owners as they try and improve their properties.

The City Zoning Commission conducted a public hearing on May 1, 2012 and recommended approval to the City Council. The City Council will conduct a public hearing on May 29, 2012. The County Zoning Commission conducted a public hearing on May 14, 2012, and is forwarding a recommendation of approval on a 3-0 vote.

**REASONS**

The Planning Division does recognize the engineering and traffic safety principals behind the 5-foot “tails”. A great deal of research and review by the City Engineering Division was completed when these requirements were first adopted in 2009. Since then, accommodation of the 5-foot “tails” in fence building has caused significant confusion for property owners, and fence company employees, and also creates an area that is difficult to maintain and could be prone to weeds. It appears that the clear vision areas without the 5-foot “tails” still provide adequate pedestrian and traffic safety at driveway and alley intersections with streets. The City Traffic Engineer had expressed concerns with the proposed amendments and these concerns were addressed prior to the County Zoning Commission public hearing. The draft amendment incorporates the engineering recommendations.

The intersection of driveways and alleys are typically where pedestrians and vehicles first have potential for conflict. In addition, drivers need to have a view down the sidewalk to any on-coming traffic before entering the street. It is unclear that a five foot clear zone down the entire front of the property significantly enhances visibility of vehicle traffic. It may enhance safety for pedestrians that are running or jogging on the sidewalk or people riding bicycles on the sidewalk. However, the clear vision area triangle appears to provide this same level of safety without creating confusion for property owners and potentially adding to the challenges of managing landscaping.

The Planning Division has reviewed literature and scanned several city and town codes for clear vision requirements. No other city or town in Montana has adopted a 5-foot clear zone for driveways and alleys in residential or commercial districts. The AASHTO guidelines for clear vision do not include a 5-foot clear zone behind a sidewalk or property line for driveways and alleys. There is no apparent improvement to safe vehicle operations or pedestrian safety from this additional setback. The Engineering Division provided input and these have been incorporated in the draft amendments.

#### **RECOMMENDATION**

The Zoning Commission voted 3-0 to recommend approval of Zone Change #634.

#### **ZONING COMMISSION PUBLIC HEARING AND DISCUSSION**

The Zoning Commission conducted a public hearing on this application on May 14, 2012. Planning staff provided testimony on the proposed text amendment. There was no other public testimony.

Vice Chairman Al Littler called for questions and discussion by the members of the Commission. There were no questions from the Board. The Zoning Commission moved to recommend approval to the Board of County Commissioners on a 3-0 vote.

#### **RECOMMENDATION**

The Zoning Commission recommends approval of Zone Change #634 on a 3-0 vote.

#### **ATTACHMENTS**

Attachment A: Draft Resolution

**Attachment A** – Resolution Zone Change #634

Final Resolution 12-\_\_\_\_\_

A RESOLUTION TO AMEND THE UNIFIED ZONING REGULATIONS FOR THE CITY OF BILLINGS AND YELLOWSTONE COUNTY JURISDICTIONAL AREA BY REVISING SECTION 27-615 (c); SECTION 27-615 (d) – VISIBILITY AT INTERSECTIONS AND 27-618 – FIGURE 1a. AND FIGURE 1b. TO DELETE LANGUAGE AND ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS

WHEREAS, pursuant to Title 76, Chapter 2, Montana Code Annotated, the Board of County Commissioners of Yellowstone County, Montana, held a public hearing and adopted a resolution of intent on the 24<sup>th</sup> day of April, 2012, on the following proposed amendments and additions to the City of Billings – Yellowstone County Unified Zoning Regulations.

**Section 1.** That the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional Area be amended by revising Section 27-615 (c) – Table 2 as follows:

**Table 2—Clear Vision Area at Driveways and Alley Approaches**

<u>Approach Type</u> <u>Clear Vision Area for:</u>	<b>Clear Vision Area Required</b>
<del>—Commercial drives and all alleys (commercial includes 3-plex and larger)</del>  <u>Vehicular Traffic</u>	<del>15' from back curb or 10' from back walk, whichever is greater, measured into the property along the edge of the driveway, then continuing to a point 5' behind walk and 30' from the edge of the driveway, then continuing along a line 5' from and parallel to the back of walk to a point located</del> <del>—70' from centerline drive along local streets</del> <del>—90' from centerline drive along collector streets</del> <del>—110' from centerline drive along arterial streets</del> <u>Entering local street—Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 175 feet along the curb line or the extension of the curb line on the cross street</u>  <u>Entering collector street— Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 250 feet along the curb line or the extension of the curb line on the cross street</u>  <u>Entering arterial street— Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 315 feet along the curb line or the extension of the curb line on the cross street</u>  (See Note 1)
<del>—Residential (Single Family or duplex)</del>  <u>Pedestrian Traffic</u>	<del>Triangle 42' 10 feet from back of walk into property measured along the edge of the drive, to a point 5' behind sidewalk &amp; and 20 feet along the back of sidewalk measured from the edge of the driveway, then continuing along a line 5' behind and parallel to the back of walk to a point</del> <del>—70' from centerline drive on local streets</del> <del>—90' from centerline drive on collector streets</del> <del>—110' from centerline drive on arterial streets</del>

Notes for Table 2:

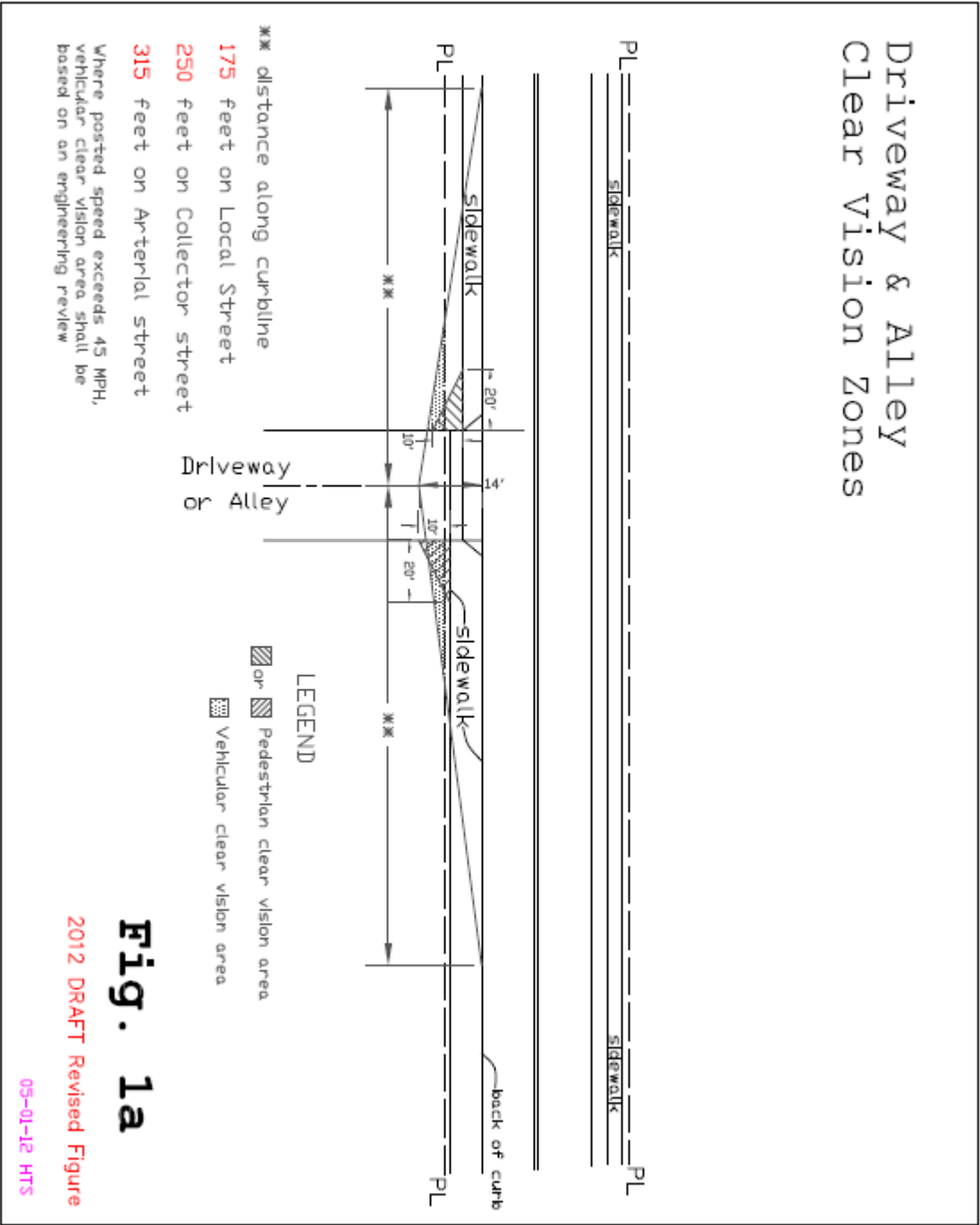
- 1) For commercial driveways the point of reference for “centerline” shall be the actual marked centerline separating inbound and outbound traffic when there are two (2) or more exit lanes.
- 2) For driveways entering a street with a posted speed limit greater than 45 MPH, the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer.

**Section 2.** That the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional area be amended by revision Section 27-615 (d) – Table 4 as follows:

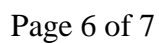
**TABLE 4 CBD Clear Vision Areas at alleys and driveways**

<b>Clear Vision area for:</b>	<b>Clear Vision Area Required:</b> <i>The clear vision area for alleys and driveways shall not apply to buildings or pertinent parts thereof within the Central Business District.</i>	<b>Reference Figure in Sec. 27- 618</b>
Vehicular traffic	<p>Entering 25 MPH Street—Triangle measured along centerline of the driveway or alley 14 feet from back of curb by <del>205</del> <u>175</u> feet along the curb line or the extension of the curb line on the cross street</p> <p>Entering 35 MPH Street— Triangle measured along centerline of the driveway or alley 14 feet from back of curb by <del>290</del> <u>250</u> feet along the curb line or the extension of the curb line on the cross street</p> <p><i>Entering street with speed limit above 35 mph—the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer</i></p>	Fig. 1b
Pedestrian Traffic	The clear vision area is defined by a triangle 10 feet along edge of alley or driveway and 20 feet along back of sidewalk	Fig 1b

**Section 3.** That the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional area be amended by revision Section 27-618 Figure 1a. as follows:



WHEREAS, the Board of County Commissioner received and considered the recommendations of the City/County Planning staff and the Yellowstone County Zoning Commission on the proposed amendment and additions.



NOW, THERFORE, BE IT RESOLVED that it is the intent of the Board of County Commissioners that the above-described amendment to the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional Area be adopted.

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 3<sup>rd</sup> day of July, 2012.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

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John Ostlund, Chairman

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James E. Reno, Member

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Bill Kennedy, Member

(SEAL)  
ATTEST:

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Jeff Martin  
Clerk and Recorder